

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DENNIS WILSON, *et al.*,)
)
Defendants.)

Case Number: CR 05 1849 JH

MOTION IN LIMINE CONCERNING OPINION TESTIMONY

The Defendant, Dennis Wilson, by his attorney, Robert J. Gorence, Esq. of Gorence & Oliveros, P.C., moves for an order excluding all opinion testimony from the government's case in chief, whether or not offered by a witness purporting to be an expert. There is no area of the government's case where lay opinion should be permitted.

A hearing is required, if expert testimony is to be offered, in order to determine its admissibility. In the absence of notice from the government of its intent to offer any expert testimony, no pretrial hearing is required. Thus, no trial testimony of an expert nature should be permitted. The government should be required to articulate the necessity and justification for any lay opinions it plans to offer so that their admissibility under Rule 701 of the Rules of Evidence in order to ensure that the requirements of the rule are met, and specifically that it is "not based on scientific, technical or other specialized knowledge within the scope of Rule 702."

Respectfully submitted,

Electronically Filed 10/22/06
Robert J. Gorence, Esq.
Attorney for Defendant Wilson
Gorence & Oliveros, P.C.
201 12th Street NW
Albuquerque, NM 87102

I hereby certify that a true and correct copy of the foregoing was faxed on this 23rd day of October, 2006 to:

AUSA James R.W. Braun
PO Box 607
Albuquerque, NM 87103

Robert R. Cooper
1011 Lomas, NW
Albuquerque, NM 87102

Martin Lopez, III
1500 Mountain Road, NW
Albuquerque, NM 87104-1359

Brian A. Pori
204 Bryn Mawr, NE
Albuquerque, NM 87106

Jacquelyn Robins
1905 Lomas Blvd., NW
Albuquerque, NM 87104

Cliff McIntyre
1500 Mountain Road, NW
Albuquerque, NM 87104

Kimberly A. Middlebrooks
PO Box 66985

Albuquerque, NM 87193
David A. Streubel
Kelley, Streubel & Mortimer LLC
315 5th Street, NW
Albuquerque, NM 87102-2105

John V. Butcher
Federal Public Defender's Office
111 Lomas Blvd., NW, #501
Albuquerque, NM 87102

D. Penni Adrian
4300 Carlisle Blvd., NE, #4
Albuquerque, NM 87107

Angela Arellanes
PO Box 1784
Albuquerque, NM 87103-1784

Bennett J. Baur
Rothstein, Donatelli, Hughes, Dahlstrom,
Schoenburg & Bienvenu
PO Box 8180
Santa Fe, NM 87504-8180

Electronically Filed 10/22/06
Robert J. Gorence